

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

| | | |
|---------------------------------------------|---|--------------------|
| CINDY A. PYL |) | |
| Claimant |) | |
| VS. |) | |
| |) | Docket No. 242,548 |
| NORCRAFT COMPANY INC. |) | |
| Respondent |) | |
| AND |) | |
| |) | |
| GENERAL INSURANCE COMPANY OF AMERICA |) | |
| Insurance Carrier |) | |

ORDER

Claimant appeals from the February 7, 2002 Final Order of Assistant Director Kenneth J. Hursh, wherein claimant's motion for recusal of Administrative Law Judge Bruce E. Moore was denied. The Director of Workers Compensation appointed Stacy Parkinson of Olathe, Kansas, to serve in place of Board Member David Shufelt, who recused himself from this claim.

APPEARANCES

Claimant appeared by her attorney, Roger A. Riedmiller of Wichita, Kansas. Respondent and its insurance carrier appeared by their attorney, Clifford K. Stubbs of Roeland Park, Kansas.

RECORD AND STIPULATIONS

The Appeals Board (Board) has considered the record and adopts the stipulations contained in the Order of the Assistant Director.

ISSUES

Did the Assistant Director err in refusing to recuse Administrative Law Judge Bruce E. Moore from this matter?

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the entire evidentiary file contained herein, the Board finds that the Final Order of the Assistant Director should be affirmed.

The Final Order of the Assistant Director sets out findings of fact and conclusions of law in some detail and it is not necessary to repeat those herein. The Board adopts those findings and conclusions as its own as if specifically set forth herein.

The Board finds that the affidavits filed by claimant and claimant's attorney are not legally sufficient to persuade a reasonable person that on account of personal bias, prejudice or interest of the judge, a fair and impartial trial cannot be obtained. The Board, therefore, affirms the Assistant Director's Order denying claimant's Motion To Recuse Administrative Law Judge Bruce E. Moore from these matters.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Final Order of Assistant Director Kenneth J. Hursh dated February 7, 2002, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of June 2002.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Roger A. Riedmiller, Attorney for Claimant
Clifford K. Stubbs, Attorney for Respondent
Bruce E. Moore, Administrative Law Judge
Kenneth J. Hursh, Assistant Director
Philip S. Harness, Director